

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Paul A. Stucky  
Serial Number: 10/598,220  
Filed: 08/22/2006  
Group Art Unit: 2863  
Examiner: Sun, Xiuqin  
Title: TENSILE SUPPORT STRENGTH MONITORING  
SYSTEM AND METHOD

**RESPONSE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the office action mailed May 8, 2009. Applicant respectfully requests reconsideration of this application. Applicant is grateful for the indication of allowable claims and for the following reasons respectfully submits that all claims are allowable.

Applicant respectfully traverses the rejection of claims 1, 3-9, 11-13 and 16-19 under 35 U.S.C. §103 based upon the proposed combination of the *Robar, et al, Blum.* and *Parrini, et al.* references. There is no *prima facie* case of obviousness because the proposed modification to the *Robar, et al.* reference cannot be made. The propose modification would change the principle of operation, interfere with the ability to achieve the intended result and remove an intended feature of that reference contrary to MPEP 2143.01(V) and (VI).

The Examiner proposes to add a temperature sensor to the teachings of the *Robar, et al.* reference. The reason why this modification cannot be made is that the *Robar, et al.* reference is specifically designed to avoid the effects of temperature in the way that it accomplishes its measurements. In other words, the *Robar et, al.* reference avoids the effects of temperature entirely. The *Robar, et al.* reference operates on the principle of measuring resistance in multiple cords so that relative comparisons between those resistance measurements can be made to eliminate the effect of temperature. In other words, the *Robar, et al.* reference operates on a principle of avoiding the effect of temperature on measurements. Temperature information is not desired. In fact, the opposite is true in the *Robar, et al.* reference. The effects of temperature are eliminated according to the *Robar, et al.* reference technique.

The Examiner proposes to modify the *Robar, et al.* reference by introducing a temperature sensor to determine effects caused by temperature. That would cause the *Robar, et al.* reference to operate in a manner that is the opposite of how it is intended to operate. Such a modification to a reference cannot be made as explained in MPEP 2143.01(VI) because it changes the principle of operation. Additionally, the proposed modification would defeat the ability of the *Robar, et al.* reference to achieve its intended result. The *Robar, et al.* reference is intended to make measurements independent of any effects of temperature on resistance measurements. The Examiner's proposed modification would introduce the very temperature that the *Robar, et al.* reference is designed to avoid. Therefore, the Examiner's proposed modification would render the *Robar, et al.* reference incapable of achieving its intended result (i.e., to take measurements in a manner that avoids the effect of temperature).

Therefore, the proposed modification cannot be made and there is no *prima facie* case of obviousness.

Additionally, one skilled in the art would not look to the *Parrini, et al.* reference for some indication on how to modify the *Robar, et al.* reference. The temperature sensor in the *Parrini, et al.* reference is intended to detect a fire condition or other building emergency condition. The temperature detecting in the *Parrini, et al.* reference has nothing to do with the type of measurements taken in the *Robar, et al.* reference. The teachings of the *Parrini, et al.* reference extracted by the Examiner are non-analogous to the teachings of the *Robar, et al.* reference. The proposed combination cannot be made.

There is no *prima facie* case of obviousness. The rejection under 35 U.S.C. §103 must be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey  
Registration No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: August 10, 2009